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AUTHOR Herndon, Enid
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ABSTRACT

The National Institute of Education's (NIE) process of studying minimum competency testing (MCT) includes: (1) a clarification hearing to provide a public forum to discuss divergent views on salient issues related to MCT programs: (2) two investigative teams to explore the different perspectives on the issues, build comprehensive cases which reflect those perspectives, and develop challenges to the case proposed by the other team: (3) an opportunity for opposing sides to present their views, thus providing differing perspectives on complex issues: (4) a responsibility of decision-making for those persons involved in making judgments at the state and local level: (5) video tapes of the proceedings and distribution to legislators, state and local policy-makers and administrators, professional associations, special interest groups, teachers, and lay public advisory groups. (RL)

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NIE's STUDY OF MINIMUM COMPETENCY TESTING: A PROCESS FOR THE CLARIFICATION OF ISSUES

Presented by
Enid Herndon
Project Officer
National Institute of Education
1200 19th Street, N.W.
Washington, D.C. 20208

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Minimum Competency Testing:
A Process for the Clarification of Issues

Preface

The National Institute of Education is sponsoring a project designed to provide information to state and local policy makers and program planners on issues related to Minimum Competency Testing (MCT). The need for and design of the study are guided by three related concerns.

1. In spite of the rapid and continuing growth of minimum competency testing, the quality of information available to decision-makers is limited, and tends to be clouded by the complexity of the issues, complicated by differing and competing interests.
2. In order to clarify these issues, it is essential that the framework for the study recognize the social and political content of MCT and provide a structured forum for the presentation and examination of differing perspectives on the issues.
3. In order for the results of the study to be meaningful and valid, it is essential that both the decision-making audience and other vested interest groups have an integral role in its design, implementation and dissemination.

To accommodate these concerns, NIE has selected a "Clarification "Hearing as the format for the presentation and discussion of divergent views on the most salient issues related to MCTs. Two investigative teams, each headed by a case presenter, will explore and ultimately facilitate presentation of opposing perspectives on selected issues at the clarification hearing. In an effort to insure uniformity and balance of presentation,

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the hearing will be governed by a set of rules and procedures adapted in part from judicial procedures.

Case presenters will present evidence in support of the viewpoint taken through the use of testimony from those who influence, are affected by, or study MCT. Testimony can be examined from various perspectives through cross-examination and rebuttal testimony. A Hearing Officer will serve as moderator for the hearing and will rule on the relevancy of proposed testimony, and at the same time, encourage the full presentation of all relevant evidence.

As a means of disseminating the information presented, video tapes of the hearing proceedings along with supporting written documents will be made available to state and local decision-makers and other interested groups.

It is NIE's intent through the conduct of this project to provide decision-makers and other interested audiences with a clearer understanding of the dynamics of MCT, and to provide a vehicle for the involvement of parents, teachers, students, citizen's groups, administrators, school board members, legislators and other interested parties in a process that will help inform policy at the state and local level -- policy, that is responsive to their respective needs and concerns.

The two investigative teams and hearing officer, working with affected audiences, will have primary responsibility for implementing the project. NIE's responsibility is to facilitate management of the project and ensure the full participation of affected groups.

This paper will detail the specifics of the study and provide an historical perspective for the design of the study.

I. Introduction

Over the past quarter century educational policy and practice has been viewed as a way of producing social reform. Many have looked to the schools for initiative in solving a wide variety of society's problems. Schools have been looked upon to challenge racism, sexism and poverty to name just a few of our social ills. To address these challenges great sums of money have been spent, and a multitude of educational programs have come and gone. Extensive research in education has not produced definitive answers to difficult questions and sometimes the public loses its patience, casting its dissatisfaction at the ballot box when school budgets or public referenda regarding education are at issue.

In short, while the school is generally thought of as a public institution that has contributed substantially to the development of American society, it has also had its fair share of criticism and public scrutiny.

Currently concern over alarming statistics about the rate of illiteracy in this country has led to increased pressures to make schools and schooling more responsive and accountable to the public served. Minimum competency testing programs, which establish minimum levels of competency and testing procedures to determine if these levels are being met, have emerged as a means of addressing these public concerns.

Since 1975, well over 30 states and a number of local districts have initiated some kind of MCT programs. In spite of the unprecedented growth of these programs, the quality of information available to those who must make policy and program decisions has been and continues to be severely limited.

Because MCT programs are so new to education practice, there is no established data base or documentation of previous experience from which decision-makers can draw to make informed choices about policy and programs. Thus, MCT programs tend to be as varied in design and implementation as there are initiatives for such programs. And, amidst a complexity of issues, educators and the lay citizenry continue to argue the merits and deficits of these programs. Some argue among other things that MCT will:

1. Ensure that students do achieve in essential areas at least a minimum level of competency;
2. Make teachers and school administrators more accountable for their students' achievement;
3. Ultimately improve the quality of instruction and educational curricula; and
4. Particularly benefit minority students by developing in them, as well as in majority students, the skills necessary for success in American society.

Others counter by arguing that:

1. It is not at all clear what skills ought to be measured (e.g., basic academic skills or life skills) and what the minimum competency levels ought to be;
2. Minimum levels of competency may be so low as to be virtually meaningless;
3. Instead of improving the quality of teaching and curricula, teachers will end up teaching only for the tests;
4. Rather that benefiting minority students, the testing programs will discriminate against the culturally different and may even produce a type of resegregation as more minority rather

than majority children are assigned to remedial programs as a result of failing to achieve the designated levels of competency.

Despite the lack of quality information available to address the range of issues, decision-makers are being charged with designing or refining MCT programs in their respective state and local jurisdictions. It is in response to this pressing need, for information and clarity that the National Institute of Education is initiating a study aimed at clarifying some of the most salient issues concerning MCT and its potential effects on students and the quality of educational programs.

II. Background and Development of the MCT Study

In the summer of 1978, the National Institute of Education (NIE) initiated a four year, two-part study of MCT programs across the country. The study was designed to provide decision-makers as well as other interested audiences with an increased understanding of the variety of MCT program types and an awareness of the multi-faceted impact of these programs. Part I was designed to collect descriptive information on the nature, scope and implementation of all state MCT programs and a sample of local district programs. This part of the study produced program descriptions, a typology which identified the major characteristics of each program, a description of procedures these programs have used in implementation, and a summary and analysis report. Part II was to be a three year study designed to evaluate the impact and the effects of MCT programs on students, teachers and curricula. Information obtained from Part I of the study was to provide the basis for ensuring that the evaluation to be conducted in Part II of the study would be feasible and responsive to the variety of existing programs.

Part I was completed in December, 1979. However, even before its completion, it became clear that the traditional evaluation methods originally envisioned to study the effects of policy and program implementation were not the most appropriate.

The phenomena of MCT is much too premature to be evaluated in any definitive terms, or produce what we might typically expect an evaluation to generate in terms of findings. And, given the timeframe within which decisions need to be made, a three year evaluation effort would do little to inform decisions about new and emerging policy. In fact, to evaluate policy impact prior to the articulation

of policy alternatives is not likely to represent a fruitful undertaking.

Further, because of the diversity of competing viewpoints regarding MCT, it became clear to NIE that a more comprehensive understanding of the complexity of issues was needed before any meaningful evaluation could be undertaken.

Therefore, NIE chose to postpone consideration of program evaluation per se and opt for a mechanism aimed at clarification and discussion of issues. The question at the moment is not whether MCT is good or bad, rather it is what are the paramount issues of concern related to MCT programs, and what is the best vehicle for importing available information related to those issues in a way that will inform decision-making?

Because there is a danger for oversimplification in any conventional evaluation, it is important to take cognizance of this possibility and develop a process aimed at uncovering as much of the complexity as possible. While time and money will always work against total understanding, NIE believes that the clarification process will help provide decision-makers with a broader understanding of the dynamics of MCT and thus provide a framework for consideration, articulation and evaluation of policy and program alternatives at the state and local levels.

III. Designing an Appropriate Procedural Framework

In developing guidelines for a relevant and useful framework for the clarification process it was imperative to recognize and account for the social and political context of MCT. Examining MCT issues out of that context could only lead to an oversimplistic, possibly misleading understanding of the issues.

The first and foremost guideline was that a framework was needed to encourage presentation of diverse points of view and differing interpretations of MCT policy and programs in an organized and public manner.

Secondly, it is recognized that in order to aid the formulation of responsive policy initiatives it is critical to consider the perceptions of those who are or will be affected by the existing or emerging policy. Thus, the framework had to allow for wide participation by all of the groups, lay and professional, who have some vested interest in or who are impacted by MCT programs in both the identification of salient issues and the presentation of divergent perspectives in relation to those issues.

And, finally, the framework had to provide a systematic set of rules and procedures specifically designed to promote a fair and reasoned debate of the issues and lend structure to the clarification process.

With these considerations in mind, NIE has developed a framework that incorporates the relevant tenets of social science inquiry (i.e., stakeholder participation, interviews observation) and uses many principles developed in part from the judicial process

as a procedural guide for collecting, synthesizing, and presenting information relative to differing perspectives on MCT issues.[1]

The judicial process, as an organizational structure, offers many important concepts (fact-finding, adversorial proceedings, cross-examination, evidentiary rules and procedures, structured deliberations) that when adapted to other forms of social inquiry add a certain dimensionality which enhances the clarification of issues. Specifically, the judicial process:

1. provides a public forum for the examination of issues from different perspectives,
2. allows for public participation in the process through the presentation of testimony,
3. permits introduction of a wide range of evidence (documentary evidence, human testimony, quantitative data), the clarification of which can occur immediately

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[1] The proposed procedural framework builds on the previous work of Wolf, Levine, and Levine and Rosenberg, and issue papers prepared for NIE by Norman S. Rosenberg, Mental Health Law Projects, and Dean Nafziger, Northwest Regional Educational Laboratory. Specific references include:

1) Wolf, R., The Application of Selected Legal Concepts of Educational Evaluation. Unpublished Ph.D. Thesis in Education, University of Illinois, Urbana, Champaign, 1973.

Wolf, R., "The Use of Judicial Evaluation Methods in the Formulation of Educational Policy." Educational Evaluation and Policy Analysis, 1979, Vol. 1, No. 3, pp. 19-28.

2) Levine, M., "Scientific Method and the Adversary Model: Some Preliminary Thoughts," American Psychologist, 1974, 29, 661-667.

3) Levine, M., and Rosenberg, N., "An Adversary Model of Fact Finding and Decision Making for Program Evaluation: Theoretical Considerations," in Schulberg, H. and Baker, F., Program Evaluation in the Health Field. Vol. II, New York: Human Sciences Press, 1979, pp. 110-131.

through cross-examination, rebuttal testimony, and the like,

4. provides a forum for including the perceptions, opinions and judgement of those affected by policy and program decisions through the use of human testimony. Often the more subjective forms of evidence help put facts into proper perspective. Testimony can then be examined within the context of facts and situations.

IV. Overview of the Study

Briefly, a Clarification Hearing will be held to provide a public forum to discuss divergent views on salient issues related to MCT programs. Two case presenters will argue opposing perspectives or the issues using witness testimony and quantitative evidence to support the positions taken. A Hearing Officer will serve as moderator for the Hearing to assist in the clarification of issues and the implementation of the rules of the hearing.

The process begins with the identification of issues by those groups and individuals interested in or affected by MCT programs. While the number of issues selected for discussion will necessarily be limited, they will be those about which there is greatest concern and around which there is genuine controversy. Each issue will be broad enough to encompass several sub-issues and varying perspectives on each. For example, the issue of impact on students encompasses various sub-issues including those concerned with equity, student motivation, effect of remedial programs, graduation rates, and dropout rates; all of which can be raised and argued from different perspectives in support of the position that MCT has a positive, negative, or no effect on students.

Two investigative teams will explore the different perspectives on the issues, build comprehensive cases which reflect those perspectives, and develop challenges to the case proposed by the other team. It is emphasized that while the framework for inquiry borrows certain judicial procedures, it is not the intent of NIE to put MCT on trial. Rather, the Clarification Hearing is designed to serve an educative function by providing a public forum for a rational discussion of issues. The judicial process merely provides a framework and

systematic procedures for discussing those issues. The clarification of issues is the desired outcome; not a victory for one side or another. The arguments are not designed to provoke confrontation. The aim is that each side be given an opportunity to present opposing views thus providing differing perspectives on complex issues.

There will be no jury present to deliberate or to render formal judgement as to the success, failure or over-all quality of MCT programs, or to make recommendations for future policy decisions. All decisions and/or judgements concerning the information presented will be left to persons involved in making or influencing decisions at the state and local level. These audiences will include legislators, state and local policy-makers and administrators, professional associations, special interest groups, teachers, and lay public advisory groups.

As a means of disseminating information from the Hearing, NIE intends to video tape the proceedings and distribute the video tape, along with other written documentation to those audiences. It is intended that the video tapes, in addition to written documents, will not only provide audiences with useful information about MCT programs, but will encourage the development of responsive policy by providing a basis for further discussion of issues and program alternatives among these audiences at the state and local level.

V. Planning for Implementation

In order for the clarification process to be successful, it is imperative that most of the major figures involved in, affected by, or having a vested interest in MCT understand what the study is all about and lend their support to it. Each of the affected audiences must be assured that they have a stake in the project, that their interests and concerns will be represented, and that the outcome will be beneficial to all.

Recognizing this need for constituent involvement early in the planning process, NIE convened a group of representatives from various audiences including state legislators, school board members, chief state school officers, principals, teachers, parents, students, and bilingual and minority populations. The purpose of the meeting was threefold:

1. To review the specifics of the framework for the project with participants.
2. To determine the extent of support for the framework as a viable approach for an MCT study.
3. To mobilize participants as an advisory group in the planning and implementation of the project.
4. To solicit comments and suggestions for improving the proposed framework.

In general most reactions to the process were favorable and in support of its use. The clarification process was viewed as a useful means of providing needed information to state and local decision-makers and community groups on issues related to MCT.

The comments and suggestions offered by the group provided

some valuable insights as to ways in which the framework could be modified to enhance the clarification of issues and better serve the information needs of intended audiences. Most of the concerns expressed and suggestions offered centered around the need to insure a balanced and comprehensive presentation of views on the issues. In this regard there were three major concerns:

1. Emphasis on the legal aspects of the process might create a tendency toward a win/lose gestalt which would serve to inhibit the free flow of information.
2. Specific procedures need to be delineated that would insure participation of a wide variety of audiences and an adequate and fair representation of their interests and concerns.
3. The issues selected for discussion at the hearing should be few in number and highly focused.

In consideration of these concerns, as well as other comments and suggestions offered by the group, we have made several changes in our approach. Some of these changes are highlighted below. Specifics of the revised framework are described on the pages that follow.

1. We have deemphasized the legal aspects of the process by stating more clearly the rationale for adopting modified judicial procedures, stressing the clarification of issues as the primary objective, eliminating the requirement that attorneys serve as case presenters, and changing the title from Judicial Evaluation Model to a Clarification Process to more accurately reflect the purposes of the project.

2. We have clarified the roles of the individuals and groups involved in the process and delineated more clearly the steps that will be taken to insure involvement by a wide variety of audiences.
3. We have established a procedure for identifying and refining the most salient issues to be presented at the hearing.

The next stages of the planning process involve the selection of a hearing officer, the two case presenters and the two investigative teams. NIE will assume primary responsibility for facilitating the planning process and, after reviewing recommendations from the advisory group, will select the hearing officer and two case presenters. Subsequently, members of the advisory group will function in an advisory or resource capacity to the case presenters to ensure full participation of a wide variety of affected audiences throughout the process.

Selection of the Hearing Officer

The hearing officer must possess some unique skills related to the role of facilitator during the hearing process. While there has been much concern and related discussion about keeping the legal aspects of the process to a minimum, experience in the use of this approach within similar contexts has demonstrated that the hearing officer must have some experience with judicial or deliberation proceedings. Constraints of time dictate that the best available information must be presented in a limited amount of time. The hearing officer, as facilitator, is key to insuring the efficient and productive conduct of the clarification hearing by inhibiting testimony that bears little or no significance to the issues at hand

and encouraging as much relevant testimony as possible.

The hearing officer must have experience at handling such matters in a similar forum. Additionally, the hearing officer must demonstrate in-depth knowledge of or experience in education as a basis for making the required decisions about the content of testimony.

Other criteria which NIE will employ in selecting the hearing officer are national recognition and no previous position pro or con on MCT related issues.

Once selected, the hearing officer will select with NIE approval, a support staff consisting of a clerk to handle administrative matters and secretarial assistance.

During the initial meeting of the advisory group, NIE solicited recommendations for qualified individuals to serve as hearing officer and will continue to solicit recommendations.

Selection of Case Presenters

Again, during the initial meeting of the advisory group, NIE asked participants to suggest qualified individuals for case presenters for either side. In view of the case presenter's role as the facilitator of case development and presenter at the hearing the following qualifications are required: public speaking skills particularly related to clarity, logic and focus in the delivery of information; analytical skills; writing skills; substantial knowledge of or experience in education; technical and substantive knowledge of social science research; and extensive contact and credibility with a wide variety of special interest groups and education agencies.

NIE will screen potential case presenters in terms of qualifications and availability. A list of the six best qualified nominees will be presented to the advisory group for comment. NIE will select the

two case presenters, one for each side, in consideration of these comments in relation to candidate qualifications and availability.

Selection of Investigative Teams

Each case presenter will have primary responsibility for selecting staff to serve on the respective investigative team. Selection of team members is crucial since the extent of their capabilities determines, in a large part, the efficacy with which data are gathered and analyzed and ultimately arguments presented. Therefore, it is important that each team comprise a cross section of skills and knowledge including technical and substantive ability in investigative techniques; substantive knowledge about educational policy, practice, and related issues; writing skill; organization skill; credibility with constituent groups; skill in logic and presentation of ideas; professionalism. In order to attain this representativeness and to accomplish the required tasks, each team should include investigator(s) to build the case by compiling relevant evidence; a research analyst to assist in the analysis of any data that may be collected; constituent liaison to ensure representation of audience interests and concerns; budget specialist to manage and account for the flow of funds. While these roles may overlap, it is important to consider the skills required for each role in selecting team members. NIE will oversee the selection process to insure balance in terms of skill and experience.

Team Planning Activities

With assistance from NIE and the advisory group, each of the two teams will conduct the following activities as part of the planning process:

1. Develop a management plan that will facilitate the objectives of the project.
2. Establish a budget within the limits of available funds.
3. Establish contact with representatives from a wide variety of interested audiences, lay and professional, whose views will be represented by that team.
4. Develop strategies the team will use to insure that the interests and concerns of identified audiences are represented throughout the process.

V. Implementation of the Study

Five phases of implementation have been identified for the Clarification Process: four pre-hearing phases, and the clarification hearing itself. These phases are: (1) identification of issues, (2) statement of positions, (3) preparation of cases, (4) refinement of cases, and (5) the hearing. Each of these phases is outlined below.

CLARIFICATION PROCESS	PURPOSE
IDENTIFICATION OF ISSUES (PHASE I)	• To identify and delineate the most salient issues as perceived by vested interest groups around which pro and con arguments can be developed
PRESENTATION OF POSITIONS (PHASE II)	• To notify each team of the specific points the other team will argue • To define and narrow the issues to be argued • To furnish a logical basis for the development and presentation of cases
PREPARATION OF CASES (PHASE III)	• To build cases and prepare final arguments for presentation from distinctively different points of view
REFINEMENT OF CASES (PHASE IV)	• To refine and strengthen final arguments • To establish specific procedures for the hearing
THE HEARING (PHASE V)	• To provide the forum for the systematic presentation of opposing arguments

Phase I: Identification of Issues

The first phase of the process involves identifying and refining the expressed interests and concerns of affected audiences regarding MCT programs, and developing issue statements around which differing perspectives can be formulated. Since these issues become the focus for all subsequent activity, identifying the most salient issues as perceived by these audiences is crucial to the process.

As a first step, NIE will solicit an initial set of issues from the advisory group. Subsequently, each investigative team will generate a list of issues through extensive interviewing with persons from a wide variety of identified audiences.

The two case presenters, the hearing officer and NIE will then consolidate the pool of issues to a manageable size, formulate specific issue statements for investigation, and present them to the advisory group to review and prioritize. Those issues which are deemed to be of highest priority will serve as the focus for the preparation of cases and the clarification hearing.

While it is essential that the issues identified for investigation are the most important, they must have other qualities as well. The issues must be framed in such a way that they promote reasoned and reasonable discussion from differing perspectives. The issue statements must also lend themselves to investigation such that evidence can be obtained in support of opposing perspectives. The language and construction used is critical for stating issues that are both arguable and that reflect the concerns of those who originally proposed them.

Phase II: Statement of Positions

Following the identification of issues, each team will be required to present a statement of position with respect to each issue. Each statement will respond to the issue positively or negatively, and delineate the supporting reasons for the point of view expressed. The stated positions for each issue will serve as the basis for the development of the opposing arguments. The statements will serve the following functions: (1) notify each team of the specific points the other team will argue, (2) define and focus the issues of debate, (3) furnish a logical basis for the development and presentation of cases and (4) ensure that both teams are arguing opposing points of view on the issues.

To ensure that the counter positions for each issue are responsive to one another, one team will initiate the process by presenting its position; the opposing team will respond to that position within 30 days, with an answer that delineates its counter position. This process will be repeated alternately for each of the issues such that both teams present an initial position statement for half of the issues and an answer for the other half. It is anticipated that a maximum of three issues will be examined during the two day hearing.

During this phase each team will consult directly with members of the advisory group as well as a much wider pool of representatives from identified audiences to insure that a variety of relevant viewpoints are reflected in the statement of position.

Additionally, if in the opinion of the hearing officer, the position of one or both of the teams is too narrow (in that important perspectives on the issues are not included), the hearing officer can require that these additional perspectives be included as part of the case preparation. This will further insure that the arguments brought to the hearing include not only those issues which the case presenters believe to be important but also those which are crucial to the interests of the relevant audiences.

Phase III: Preparation of Cases

During this phase each team builds a comprehensive case in support of its position on each issue and develops challenges to the case proposed by the other team for presentation at the hearing. Documents and other pertinent information are identified and analyzed to develop relevant evidence. Potential witnesses are identified and in-depth interviews are conducted to establish supporting testimony. Again, the case presenters will confer with members of the advisory group and other contacts to ensure that all relevant sources of evidence are tapped.

It is important to case preparation that the two teams share all information and plans of action relative to their respective cases. Such a discovery process serves two important functions: (1) it enables each side to obtain information that will assist in developing responsive cases that cover as many aspects of the issues as possible; (2) it avoids surprises at the hearing in terms of unanticipated evidence or arguments that may serve to disrupt the proceedings and limit the quality of information presented.

The discovery procedures to be used include informal meetings between the two case presenters to openly discuss relevant information, written questions served on the opposing team followed by written responses which become part of the public record, and pre-hearing interviews by the case presenters of the one team with the witnesses of the other team.

Phase IV: Refinement of Cases

This phase provides the final links between case preparation and the presentation of arguments at the hearing. The specific points of contention are refined, decisions on the evidence to be admitted are made, and final arguments are delineated.

There are three procedures that will be employed to enhance the refinement of cases and ultimately the quality of information: negotiation, pre-hearing statements, and pre-hearing conference.

1. Negotiation. Negotiation provides a forum for the two case presenters to meet and discuss the specific points each intends to raise and the supporting evidence to be presented. While such negotiation is an on-going process throughout the case preparation phase, in case refinement it serves an added function by providing a means for the two case presenters to reach agreement on some points that may no longer be in dispute. In such instances these arguments will be stipulated in the public record and presented at the hearing as important aspects of MCT about which there is agreement. Thus, while case presentations at the hearing will only focus on those aspects of MCT about which there is genuine controversey, all available information related

to pertinent MCT issues will be provided in the record through the inclusion of stipulated agreements.

2. Pre-Hearing Statements. Pre-hearing statements are documents prepared by each team for submission to the opposing case presenter and to the hearing officer in which each team restates their positions (which may have changed considerably since their initial statements as the result of case preparation and negotiation), and outlines the evidence to be offered at the hearing in support of each contention. The statements provide a conceptual overview of each side's position on each issue and a context of the hearing. These positive statements will also contain any stipulations, requests for pre-hearing rulings on evidence and a list of witnesses to be called. The time for submission of pre-hearing statements will be set at 30 days before the hearing.

3. Pre-Hearing Conference. The pre-hearing conference is a meeting ordered by the hearing officer in which case presenters and the hearing officer discuss the rules by which the hearing will be governed. The conference provides a setting in which any relevant concerns may be considered, including, for example, simplication of disputed issues, amendment of the positions, admission of acts or documents which will avoid unnecessary proof, and numbers of lay and expert witnesses who will be permitted to testify. The hearing conference will be set for 15 days before the hearing.

Phase V: The Hearing

The hearing represents the final phase of the process and provides the forum for the public presentation of arguments. The format of the hearing will be modeled after the judicial process except that there will be no jury present to render final judgement or make recommendations concerning the issues discussed and, as discussed below, the rules of evidence have been modified.

Case presenters will present their cases through the testimony of witnesses. Direct, cross re-direct and re-cross examination of witnesses will be used by each presenter to ensure a thorough examination of all issues. Both sides will make opening and closing statements for each issue.

The hearing will be presided over by the hearing officer who will manage the overall conduct of the hearing and direct the scheduled flow of events.

The hearing will begin with the hearing officer presenting introductory comments regarding the purposes and objectives of the hearing, the format of the hearing, a description of the rules governing case presentation, and the introduction of the case presenters. Then, preceding case presentation for each question at issue, the hearing officer will read aloud the position statements, any stipulations contained in the statements, and brief the audience on the qualifications of experts and the adequacy of quantitative evidence to be presented.

Throughout the proceedings the hearing officer will help ensure that as much relevant information as possible is brought to bear on each issue by questioning witnesses, when case presenters have

neglected an important line of inquiry. The hearing officer will also have responsibility for enforcing the rules of evidence.

Rules of Evidence

The rules of evidence to be used in the hearing are designed to help ensure fair and accurate presentation of a wide range of evidence through the use of testimony and to enhance the quality of information presented. Specifically, the following rules will be adapted:

1. Rule of Relevancy. Undoubtedly, the objectives of the Clarification Hearing will be best served if both sides are permitted to present their cases freely, providing the audience with as much available evidence on both sides of the issue as possible. Nonetheless, efficiency requires that the hearing officer have some device for rejecting evidence which is too conjectural, remote, or of little or no significance to the issues in dispute. To this end, the rule of relevancy will be adopted. Put simply, relevance means evidence which has probative value; evidence which, in the judgment of the hearing officer tends to enhance discussion of the issues.
2. Direct Testimony. In direct testimony witnesses are asked to testify about specific events in time and place about which they have first-hand knowledge or experience. A program such as MCT, however, involved many actors and numerous events occurring over considerable periods of time. For a witness whose testimony falls into this category, considerations of efficiency suggest that the witness

be allowed to provide cumulative or summary testimony regarding these events. That is, a description of events that represents the experiences of others. However, at a minimum, the basis for such testimony must be supported by at least one concrete example or observation of the view expressed. Cross-examination can be used to reveal limitations in such summary testimony. Direct or summary testimony which cannot be cross-examined (i.e., a written statement by a witness not present at the hearing) will only be allowed as evidence, if in the opinion of the hearing officer such evidence is essential to the case being presented and will enhance the issue clarification process.

3. Quantitative Testimony. An important property of the clarification approach as a vehicle for purposes of this study is its adaptability to the introduction of quantitative evidence of a kind familiar to conventional research. At the hearing, such evidence will be introduced by the researcher responsible for collecting and analyzing it. However, such evidence can only be admitted if there is agreement as to the validity of the instrumentation used to obtain that quantitative evidence. Theoretically, questions of validity can be addressed in the context of the adversary process (through cross-examination and rebuttal testimony), but their resolution would involve technical and lengthy argument which might detract from the purpose of the hearing. And, if we followed the practice of permitting expert testimony only in relation to methodologies whose acceptance is widespread, we would probably permit the introduction of

very little quantitative evidence at the hearing. Developing standards for the admissibility of such evidence, therefore, is an important task which must be addressed by professional members of each team who are qualified in empirical research methodology. The development of such mutually agreed upon standards will be the responsibility of the two teams and the hearing officer.

The hearing officer will have responsibility for the final determination of whether or not proposed evidence is "admissable," in terms of both relevancy and the adequacy of its underlying methodology based on the mutually agreed upon standards.

VI. Dissemination and Evaluation

The dissemination plan provides the vehicle for getting information derived from the project to decision-makers and other interested audiences. The plan is based on consideration of the varying audience make-up and the forms of information that would be most useful to each. Prior to the development of a specific dissemination plan, interested parties will be surveyed as a means of gaining their guidance.

The hearing proceedings will be video taped and made available in several different formats along with supporting written materials. In addition to serving as an information source, the video tapes are designed to provide a focus for joint discussions among a variety of audiences at the state and local levels. There are likely to be three separate video tape components:

1) Complete video tape of the entire hearing;
2) Four hour edited video tape of hearing proceedings;
3) One hour summary video tape narrated by a professional commentator, which highlights salient points of the proceedings and summarizes arguments using excerpts from the actual hearing.

The written ancillary materials are designed to provide detailed documentation of information and events pertaining to the clarification process for more in depth analyses. These materials will include:

1) Statement of issues
2) Position statements and answers in relation to those issues
3) Documentation of all evidence collected and the source of that evidence

4) Minutes of all negotiation sessions and meetings between the two case presenters and the hearing officer

5) Pre-hearing statements

6) A written summary of arguments presented by both sides and the specific evidence used at the hearing in support of those arguments

7) A guide for local districts and state departments which suggests ways of using the materials as an aid in the development of responsive policy and programs.

Any one or all of the video tapes and/or written documents may be obtained through NIE.

Case presenters from each team, the hearing officer, and representative from the advisory group will be asked to assist in the development of dissemination components to ensure accurate and balanced representation of cases.

As a final step in the dissemination process NIE plans to conduct an evaluation of the Clarification Hearing in terms of its effectiveness as a viable approach for including a wide range of individuals, a discussion of an important issue, for disseminating information to affected audiences, and the extent to which the information proves useful to those audiences.